

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA :**

**v.**

**IRENE PENA**

**CRIMINAL NO. 04-\_\_\_\_\_**

**:**

**: DATE FILED: \_\_\_\_\_**

**:**

**: VIOLATION:**

**: 8 U.S.C. § 1326(a), (b)(1)**

**(illegal reentry after deportation - 1 count)**

**Notice of additional factors**

**Notice of prior conviction**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about July 8, 2004, at Philadelphia, in the Eastern District of Pennsylvania,  
the defendant

**IRENA PENA,**

an alien who had previously been deported from the United States on or about September 27, 2001, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Section 1326(a), and (b)(1).

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offense charged in Count One of this indictment,  
defendant **IRENE PENA**:

a. Was an unlawful alien who had been deported involuntarily prior  
to the instant offense, after being convicted of a felony drug possession offense for which  
the sentence imposed was 13 months or less, as described in U.S.S.G. § 2L1.2(b)(1)(B).

**NOTICE OF PRIOR CONVICTION**

Defendant **IRENE PENA**, committed the offense charged in Count One of this Indictment after having been convicted on November 10, 1998, in a court of the Commonwealth of Virginia of a felony drug offense, that is, possession of cocaine, in the Circuit Court of the City of Alexandria, case number CF980656.

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**